

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

KTH Parts Industries Inc.,

Case No. 1:13-cv-922

Plaintiff,

Dlott, J.  
Bowman, M.J.

v.

SKYLAR MONNIER, et al.,

Defendants.

**REPORT AND RECOMMENDATION**

Plaintiff filed a complaint in this case on December 20, 2013, six months ago. (Doc. 1). Because the record contained no indication that Defendants had waived service of process, or that Plaintiff had served the Defendants with a summons or with a copy of the complaint, and because the time allotted for service by Rule 4(m) of the Federal Rules of Civil Procedure for service was expired, the undersigned entered an “Order to Show Cause” on May 29, 2014. Following a recitation of authority that holds that timely service is required to obtain personal jurisdiction over the Defendant, the Court expressly notified Plaintiff “that the Court proposes to dismiss the complaint without prejudice, due to Plaintiff’s failure to effect timely service of process of the summons and complaint.” (Doc. 4 at 2). Further, the Court ordered Plaintiff “to show cause in writing within **TWENTY DAYS** of the entry date of this Order why the complaint should not be dismissed without prejudice for failure of service of process.” (Doc. 4 at 2-3).

The Court's Order to Show Cause was filed on May 29, 2014. More than twenty additional days have now elapsed without any action by Plaintiff to achieve service, to move to extend the time for service, or even to respond to the Court's "show cause" order. Accordingly, **IT IS RECOMMENDED THAT** this case be **DISMISSED** for failure to timely perfect service, and for failure to prosecute. In light of the recommended dismissal of Plaintiff's complaint, this case should be CLOSED.

s/Stephanie K. Bowman  
Stephanie K. Bowman  
United States Magistrate Judge

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**NOTICE**

Pursuant to Fed. R. Civ. P. 72(b), any party may serve and file specific, written objections to this Report and Recommendation ("R&R") within **FOURTEEN (14) DAYS** of the filing date of this R&R. That period may be extended further by the Court on timely motion by either side for an extension of time. All objections shall specify the portion(s) of the R&R objected to, and shall be accompanied by a memorandum of law in support of the objections. A party shall respond to an opponent's objections within **FOURTEEN (14) DAYS** after being served with a copy of those objections. Failure to make objections in accordance with this procedure may forfeit rights on appeal. See *Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

s/Stephanie K. Bowman  
Stephanie K. Bowman  
United States Magistrate Judge